

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ISIAH J. JONES,)	
)	
Plaintiff,)	4:05cv3053
)	
vs.)	MEMORANDUM AND ORDER
)	
J. WILLIAM, et al.,)	
)	
Defendants.)	

This matter is before the court on filing no. 85, the defendants' Motion to Stay Discovery and Motion for Rule 26(f) Conference. This case began with a pro se complaint in which the plaintiff, Isiah Jones, a prisoner in the custody of the Nebraska Department of Correctional Services ("DCS"), alleged deficient medical treatment, in violation of the Eighth Amendment to the United States Constitution. Subsequently, however, the plaintiff filed a motion for a temporary restraining order ("TRO") and preliminary injunctive relief (filing no. 62) protesting the involuntary administration of medication, and the court appointed counsel to represent him. Counsel for the plaintiff has initiated discovery and filed a second motion for a TRO and preliminary injunction (filing no. 78).

The defendants seek to stay discovery until this case can progress in the ordinary course with mandatory disclosures and a planning conference, now that the plaintiff has an attorney. Many of the defendants' arguments are reasonable. However, because the case was filed without counsel by a prisoner, it was exempt at its inception from initial disclosure and planning conference requirements. See Fed. R. Civ. P. 26(a)(1)(E)(iii) & 26(f). More important, in light of the pending motions for a TRO and preliminary injunction, the usual orderly progression of a civil case does not apply, at least at present.

Therefore, filing no. 85 is granted in part and denied in part as follows: Discovery is not stayed, and the defendants shall respond fully and responsibly, and in a timely manner, to the plaintiff's discovery requests. However, after I rule on the pending motions for injunctive relief, a progression order will be entered and a planning conference will be scheduled. I expect to resolve the pending motions for injunctive relief within the next few

weeks. In the meantime, if the parties wish to add any information to the record in support of, or in opposition to the pending motions, they may do so by June 30, 2006.

SO ORDERED.

June 15, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge